

REMARKS

Applicants have canceled, without prejudice, claims 1, 3, 4, 25-31 and 35. With this amendment, claims 32-34 are pending in the instant application.

Applicants have amended paragraph [0068] of the specification by substituting "squamous" for "squamus". Applicants have also amended paragraph [0068] to delete a redundant "the" from the sentence beginning, "For instance, inhibitory forms of the the ...". Applicants' amendments correct obvious typographical errors and do not constitute new matter.

Status of Application, Amendments, and/or Claims

Applicants thank the Examiner for entering Applicants' January 21, 2009 and April 20, 2009 amendments in full.

Information Disclosure Statement

Applicants thank the Examiner for consideration of the January 21, 2009 Information Disclosure Statement.

Withdrawn Objections and/or Rejections

Applicants thank the Examiner for the withdrawal of the rejection of claims 29-31 under 35 U.S.C. § 112, first paragraph, and for withdrawal of the rejection of claims 27 and 28 under 35 U.S.C. § 103(a).

Allowed Claims

Applicants thank the Examiner for indicating that claims 32-34 are allowable.

Objections

A. The Specification

The Examiner has objected to the instant disclosure due to the misspelling of "squamous" as "squamus" in paragraph [0068] of the pending application.

Applicants have amended the specification to correct the obvious typographical error in paragraph [0068]. Applicants' amendment is believed to address this objection to the specification, and reconsideration and withdrawal are requested.

B. The Claims

The Examiner has objected to claim 26 due to the misspelling of "squamous" as "squamus" in this claim. As detailed below, Applicants have canceled, without prejudice, claim 26 to expedite allowance of the instant application. Cancellation of claim 26 renders this objection moot.

Rejection of Claims 1, 3, 4, 25, and 26 Under 35 U.S.C. § 103(a)

Claims 1, 3, 4, 25 and 26 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Marigo *et al.* (US 6,261,786) and Fujita *et al.* (BBRC 238: 658-665, 1997). Specifically, the Examiner argues that Marigo *et al.* allegedly teach how to identify molecules that inhibit the hedgehog pathway, and that Fujita *et al.* allegedly teach how to screen for molecules that inhibit cellular growth. The Examiner concludes that the skilled worker allegedly would have no difficulty in combining Fujita *et al.* and Marigo *et al.* to arrive at the invention of claims 1, 3, 4, 25 and 26.

Applicants traverse. However, in an effort solely to expedite prosecution, Applicants have canceled, without prejudice, claims 1, 3, 4, 25 and 26. Cancellation of these claims should in no way be construed as an acquiescence to the Examiner's rejection. Applicants reserve the option to further prosecute the same or similar claims in a subsequent patent application. With this amendment, the Examiner's obviousness rejection of claims 1, 3, 4, 25 and 26 is moot.

Rejection of Claims 27 and 28 Under 35 U.S.C. § 103(a)

Claims 27 and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Marigo *et al.*, in view of Bellusci *et al.* (Development, 124:53-63, 1997), and further in view of Cardoso *et al.* (Developmental Dynamics, 207:47-59, 1996), and further in view of Schuger *et al.* Specifically, the Examiner contends that it would have been obvious to a person of ordinary skill in the art to prepare an embryonic lung cell culture of lung cells that are not part of a tissue or organ by using the techniques taught by Cardoso *et al.* and Schuger *et al.* and by using the Shh-

overexpressing mice described by Bellusci *et al.* in order to perform hedgehog signaling screens as described in Marigo *et al.*

Applicants respectfully disagree. However, in an effort solely to expedite prosecution, Applicants have canceled, without prejudice, claims 27 and 28. Cancellation of these claims should in no way be construed as an acquiescence to the Examiner's rejection. Applicants reserve the option to further prosecute the same or similar claims in a subsequent patent application. With this amendment, the Examiner's obviousness rejection of claims 27 and 28 is moot.

Rejection of Claims 29-31 Under 35 U.S.C. § 112, 1st Paragraph, Written Description

Claims 29-31 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Specifically, the Examiner contends that Applicants' January 21, 2009 amendment to claims 29-31 to recite "wherein the agent interacts with a protein other than patched", constitutes new matter.

Applicants respectfully disagree. However, in an effort solely to expedite prosecution, Applicants have canceled, without prejudice, claims 29-31. Cancellation of these claims should in no way be construed as an acquiescence to the Examiner's rejection. For example, Applicants note that cancellation of these claims should in no way be construed as limiting the mechanism of action by which any agent identified in the claimed screening assay functions or is ultimately shown to function. The claimed methods are generic to the mechanism of action by which any particular agent inhibits hedgehog signaling. Applicants reserve the option to further prosecute the same or similar claims in a subsequent patent application. With this amendment, the Examiner's written description rejection of claims 29-31 is moot.

Rejection of Claims 29-31 Under 35 U.S.C. § 112, 2nd Paragraph

Claims 29-31 and 35 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner argues that it is unclear how the limitation recited in any one of claims 29-31 and 35 limits the agents of the parent claims.

Applicants respectfully disagree. However, in an effort solely to expedite prosecution, Applicants have canceled, without prejudice, claims 29-31 and 35. Cancellation of these claims

should in no way be construed as an acquiescence to the Examiner's rejection. For example, Applicants note that cancellation of these claims should in no way be construed as limiting the mechanism of action by which any agent identified in the claimed screening assay functions or is ultimately shown to function. The claimed methods are generic to the mechanism of action by which any particular agent inhibits hedgehog signaling. Applicants reserve the option to further prosecute the same or similar claims in a subsequent patent application. With this amendment, the Examiner's indefiniteness rejection of claims 29-31 and 35 is moot.

Related Applications

The following co-pending applications were previously brought to the Examiner's attention and made of record in this case: application serial number 09/977,864; application serial number 10/652,298; application serial number 09/883,848; application serial number 10/652,686; and application serial number 10/772,090. The Examiner is invited to consider all prior, ongoing, and future prosecution in these co-pending applications. Applicants note that application serial number 10/652,686 has issued as US Patent No. 7,498,304. Applicants also note that application serial number 09/883,848 has been abandoned.

CONCLUSION

In view of the amendments discussed above, and in view of the Examiner's comments made in the outstanding July 20, 2009 Office Action, the pending claims are in condition for allowance. If any clarification of the above response would facilitate prosecution of this application, Applicants respectfully request that the Examiner contact the undersigned at 617-951-7000. Any fee required for timely consideration of this submission may be charged to **Deposit Account No. 18-1945, under Order No. HUIP-P02-032.**

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Respectfully Submitted,
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